

Customer No. 32,127  
Attorney Docket No. 03-1013

### **REMARKS**

In the Office Action,<sup>1</sup> claims 8, 22, and 62 were objected to for informalities; claims 16-21 and 56-61 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,816,468 to Cruickshank ("Cruickshank"); claims 1-8, 13, 24-32, 37-39, 41-48, 53, 63-72, 77-79, and 81-85 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cruickshank in view of U.S. Patent No. 6,100,882 to Sharman et al. ("Sharman"); claims 9-12, 23, 33-36, 40, 49-52, 73-76, 80, and 86 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cruickshank combined with Sharman in further view of U.S. Patent No. 5,440,624 to Schoof ("Schoof"); claims 14, 15, 54, and 55 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cruickshank combined with Sharman in further view of U.S. Patent Application Publication No. 2004/0249884 to Caspi et al. ("Caspi"); and claims 22 and 62 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cruickshank in view of Schoof.

By this Amendment, Applicants have amended claims 8, 16-19, 21, 22, 56-59, 61, and 62. Claims 1-86 are currently pending. Each of the above rejections is respectfully traversed for the following reasons.

#### **I. Claim Objections**

By this amendment, Applicants have amended claims 8, 22, and 62 to address the Examiner's objections. Accordingly, Applicants respectfully request withdrawal of the objections to claims 8, 22, and 62.

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<sup>1</sup> As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to certain requirements applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references) is not a concession by Applicants that such requirements have been met, and Applicants reserve the right to analyze and dispute such in the future.

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## II. 35 U.S.C. § 102(e) Rejections

Applicants respectfully traverse the rejection of claims 16-21 and 56-61 under 35 U.S.C. § 102(e) for at least the reason that Cruikshank fails to disclose every claim element. For example, amended claim 16 recites a method comprising, among other things, "creating a text transcription of at least a portion of . . . stored audio stream data, wherein the text transcription includes a pointer to one or more audio files containing non-transcribed portions of the stored audio stream data."

Cruikshank discloses a teleconferencing system that provides transcription and/or translation services during a teleconference. See Cruikshank, abstract. The system in Cruikshank transcribes the speech of each participant in the teleconference using voice recognition technology in real or near-real time. See id. The system may also translate the transcribed text into a participant's desired language in real or near-real time and may provide audio translation services to generate an audio signal from the translated and transcribed text. See id. However, Cruikshank does not describe a text transcription that "includes a pointer to one or more audio files containing non-transcribed portions of . . . stored audio stream data," as claimed.

Accordingly, Applicants respectfully request withdrawal of the rejection of claim 16 under 35 U.S.C. § 102(e). Independent claim 56, although of different scope, contains elements similar to the elements of claim 16 discussed above. Therefore, claim 56 is not anticipated for at least reasons similar to those discussed above with respect to claim 16. In addition, claims 17-21 and 57-61 depend from and add additional features to each of independent claims 16 and 56. Accordingly, these claims are allowable for at least the reasons set forth above.

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### III. 35 U.S.C. § 103(a) Rejections

#### A. Claims 22 and 62

Applicants respectfully traverse the rejection of claims 22 and 62 under 35 U.S.C. § 103(a) for at least the reason that the references do not teach or suggest each and every element recited in the claims.

To establish a prima facie case of obviousness under 35 U.S.C. § 103(a), each of three requirements must be met. First, all the claim limitations must be taught or suggested by the prior art. See M.P.E.P. § 2143.03 (8th ed., rev. 4, Oct. 2005). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. Third, a reasonable expectation of success must exist. Moreover, each of these requirements must "be found in the prior art, not in applicant's disclosure." M.P.E.P. § 2143 (8th ed., rev. 4, Oct. 2005).

For example, claims 22 and 62 each contain elements corresponding to the elements of claims 16 and 56 discussed above at least by virtue of their dependence from one of independent claims 16 and 56. For the reasons set forth above, Cruickshank fails to teach or suggest "creating a text transcription of at least a portion of . . . stored audio stream data, wherein the text transcription includes a pointer to one or more audio files containing non-transcribed portions of the stored audio stream data," as recited in amended claim 16 and similarly recited in amended claim 56. The

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Examiner relied on Schoof in rejecting claims 22 and 62. However, Schoof fails to cure the deficiencies of Cruickshank identified above with respect to claims 16 and 56.

Schoof discloses a method and apparatus for conducting and moderating a networked electronic conference (see Schoof, abstract) and is relied on for its disclosure of playback features. See Office Action, p. 13 (citing Schoof, col. 4). However, Schoof does not teach or suggest the claim element: "storing data contained in [an] audio stream, upon recognizing a name associated with a user participating in the conference call," as claimed. Accordingly, Applicants respectfully request withdrawal of the rejections of claims 22 and 62 under 35 U.S.C. § 103(a).

**B. Claims 1-8, 13, 24-32, 37-39, 41-48, 53, 63-72, 77-79, and 81-85**

Applicants respectfully traverse the rejection of claims 1-8, 13, 24-32, 37-39, 41-48, 53, 63-72, 77-79, and 81-85 under 35 U.S.C. § 103(a) for at least the reason that Cruickshank and Sharman do not teach or suggest each and every element recited in the claims.

For example, claim 1 recites, among other things, "selectively deleting the stored audio stream data, while the conference call is ongoing, based on a determination that a user has exited the conference call."

The Examiner properly observed that "Cruickshank does not explicitly mention" this element of claim 1. See Office Action, p. 5. The Examiner alleged, however, that Sharman discloses this element in step 410 of figure 4. See id.

Sharman discloses a computer workstation that supports speech recognition software and conferencing software. See Sharman, abstract. Figure 4 is a high-level diagram of the behavior of a text recording application, which effectively controls speech

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recognition software and conferencing software in the workstation. See id. at col. 5, ll. 55-57; col. 6, ll. 30-32. Step 410 in figure 4 includes holding a conference and generating minutes of the conference with text produced by the speech recognition software. See id. at col. 6, ll. 30-38. The minutes are recorded until a "create minutes" facility is turned off, the available text has all been recorded, or the conference concludes. See id. at col. 8, ll. 1-5. In addition, it is possible to edit the minutes while the conference is still in progress. See id. at col. 8, ll. 6-9.

However, Sharman does not describe "selectively deleting . . . stored audio stream data," as claimed. Moreover, Sharman does not describe making "a determination that a user has exited the conference call," as claimed, nor taking any action as a result. Therefore, nothing described in Sharman, including step 410, can possibly constitute "selectively deleting the stored audio stream data, while the conference call is ongoing, based on a determination that a user has exited the conference call," as claimed. Thus, Sharman fails to remedy the deficiency of Cruickshank, and Applicants respectfully request withdrawal of the rejection of claim 1 under 35 U.S.C. § 103(a).

Independent claims 24, 31, 41, 63, 64, 71, and 81-85, although of different scope, each contain elements corresponding to the elements of claim 1 discussed above. Therefore, these claims are allowable for at least reasons similar to those discussed above with respect to claim 1. In addition, claims 2-8, 13, 25-30, 32, 37-39, 42-48, 53, 65-70, 72, and 77-79 depend from and add additional features to each of independent claims 1, 24, 31, 41, 64, and 71. Accordingly, these claims are allowable for at least the reasons set forth above.

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**C. Claims 9-12, 23, 33-36, 40, 49-52, 73-76, 80, and 86**

Applicants respectfully traverse the rejection of claims 9-12, 23, 33-36, 40, 49-52, 73-76, 80, and 86 under 35 U.S.C. § 103(a) for at least the reason that Cruickshank, Sharman, and Schoof do not teach or suggest each and every element recited in the claims.

Independent claims 23 and 86, although of different scope, each contain elements similar to the elements of claim 1 discussed above, which are not taught or suggested by Cruickshank or Sharman. Claims 9-12, 33-36, 40, 49-52, 73-76, and 80 also contain similar elements at least by virtue of their dependence from one of independent claims 1, 31, 41, and 71. The Examiner relied on Schoof in rejecting claims 9-12, 23, 33-36, 40, 49-52, 73-76, 80, and 86. However, Schoof fails to cure the deficiencies of Cruickshank and Sharman identified above.

Schoof discloses a method and apparatus for conducting and moderating a networked electronic conference (see Schoof, abstract) and is relied on for its disclosure of playback features. See Office Action, pp. 9-12 (citing Schoof, cols. 4 and 10). However, Schoof fails to disclose the claim element: "selectively deleting the stored audio stream data, while the conference call is ongoing, based on a determination that a user has exited the conference call," as recited in claim 1 and similarly recited in claims 31, 41, 71, and 81-85. Accordingly, Applicants respectfully request withdrawal of the rejections of claims 9-12, 23, 33-36, 40, 49-52, 73-76, 80, and 86 under 35 U.S.C. § 103(a).

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**D. Claims 14, 15, 54, and 55**

Applicants respectfully traverse the rejection of claims 14, 15, 54, and 55 under 35 U.S.C. § 103(a) for at least the reason that Cruickshank, Sharman, and Caspi do not teach or suggest each and every element recited in the claims.

Claims 14, 15, 54, and 55 each contain elements corresponding to the elements of claims 1 and 41 discussed above at least by virtue of their dependence from one of independent claims 1 and 41. The Examiner relied on Caspi in rejecting claims 14, 15, 54, and 55. However, Caspi fails to cure the deficiencies of Cruickshank and Sharman identified above.

Caspi discloses a system including a server adapted to manage a multimedia conference (see Caspi, abstract) and is relied on for its disclosure of recording and playing features. See Office Action, pp. 12 and 13 (citing Caspi, ¶ 9). However, Caspi does not disclose the claim element: "selectively deleting the stored audio stream data, while the conference call is ongoing, based on a determination that a user has exited the conference call," as recited in claim 1 and similarly recited in claim 41. Accordingly, claims 14, 15, 54, and 55 are allowable for at least the reasons set forth above.

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**Conclusion**

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

If there is any fee due in connection with the filing of this Reply, please charge the fee to our Deposit Account No. 07-2347.

Respectfully submitted,

Dated: June 13, 2006

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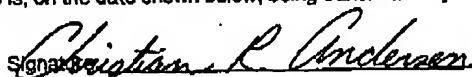
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